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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,541

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Peter S. Vosbikian

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EXAMINER

MENEZES, MARCUS

ART UNIT

PAPER NUMBER

3677

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,541	Applicant(s) VOSBIKIAN ET AL.	
	Examiner Marcus Menezes	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23,25-33,35-42,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23,25-33,35-42,44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-20, 25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olgier (US 3600740).

Olgier discloses a method of steps of providing an implement, each implement comprising a handle (20) and a working end (25), the handle including a first end and a second end and the working end including a top portion and a bottom portion, wherein the handle has a first length and an extendable second length (note the handle is telescopic – see col. 2, lines 29-37); providing a shipping container (10), wherein each shipping container includes a lengthwise dimension no greater than about 48 inches (see col.2, lines 65-70) and placing the implement in the shipping container with the implement sized to the first length; and sending the shipping container to a destination (col.1, lines 27-33).

Regarding the plurality of implements and shipping containers, Olgier discloses the claimed invention except for the plurality of said implements and containers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included mere duplications, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Ogier further discloses that said implements are selected from the group consisting of mops, brooms, and dusters, long-handled garden implements and rakes. (See Abstract and figures).

Ogier further discloses that the implement has different working ends. As for the claiming of more than one implement, see paragraph above regarding the duplication of parts.

Note, though Ogier provides packaging, Ogier does not disclose that said packaging would comprise of at least one of the handle attachment members being placed alongside a side surface of a handle before the sending step. However, this would have been a obvious matter of design choice on how the working ends are configured in the shipping container. Further, if the working end is larger in size, then it is possible that the claimed configuration would be necessary.

Ogier further discloses that the length dimension of each shipping container (10) is no greater than about 40 inches.

3. Claims 21-23, 28,32,33,35-39,41,42 rejected under 35 U.S.C. 103(a) as being unpatentable over Ogier in view of Michelson et al. (US 6902060).

Ogier further discloses that the first length is extendable to the second length, but fails to disclose that said second length is reached through a handle-attachment member releasably securable to the handle.

Michelson et al. teaches of a similar invention with handles that have threaded handle attachment members (43) that are releasably securable to the handle. Note Ogier also has a threaded end. Michelson et al. further discloses that said handle

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attachment member ranges in length from about 12 inches to about 20 inches. (see col. 5, second paragraph). Finally, said handle-attachment member is capable of attaching before the shipping container is sent.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of a handle-attachment member releasably securable to the handle in Ogier in view of Michelson et al. in order to provide a firm extra extension to the handle to clean hard to reach places.

Ogier discloses the invention as applied to claim 32 as demonstrated in the second section of this Office Action, but fails to disclose that said first length is within a range of about 40 to 48 inches.

Michelson teaches of a first length of the device in Michelson that is capable of a range within about 40 to 48 inches and that a second extended length can reach a similar range. (see abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of a first length of about 40 to 48 inches in Ogier in view of Michelson in order to provide an increased length of the handle portion for cleaning hard to reach places.

Ogier further discloses that said implements are selected from the group consisting of mops, brooms, and dusters, long-handled garden implements and rakes.

Ogier further discloses a grip (25) comprising one or more flutes on a surface thereof.

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Ogier further discloses that the first length is extendable to the second length via a telescoping member.

Regarding the plurality of implements and shipping containers as well as the implements being of the same size, Ogier discloses the claimed invention except for the plurality of said implements and containers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included mere duplications, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Further, it would be obvious to keep the first length of each implement substantially the same size for ease in shipping.

4. Claims 26 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogier in view of Zatkoff (US 6581776).

Ogier discloses the invention as applied to claims 18 and 32, but fails to disclose that said second length is extendable through a hinge disposed on the handle below the second end.

Zatkoff teaches of the use of a hinge for extending the first length to a second length. (See fig. 6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of the hinge in Ogier in view of Zatkoff in order to provide attachments to the working end with the ability to pivot or rotate about said working end.

5. Claims 30,31,44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogier in view of Carlson (US 3359929).

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Ogier discloses that the shipping container is intended to be transported (hence its gripping handles (14), but fails to disclose that said shipping container is placed on a pallet.

Carlson teaches a 40" x 48" pallet used to support goods and materials within a container for transport. The storage and economical design of the pallet operates to reduce space while maximizing storage and heavy load requirements of a particular good or material for shipping.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the transportation pallet in Ogier in view of Carlson in order to provide an efficient mechanism for transport and handling of the invention during the shipping process to various locations for sale.

Response to Arguments

6. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes
Examiner
Art Unit 3677

MM


ROBERT J. SANDY
PRIMARY EXAMINER